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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,428	08/29/2003	Fei Xie	51053/JEC/B600	8633

7590 08/26/2005
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EXAMINER

PAN, YUWEN

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/651,428	Applicant(s) XIE, FEI	
	Examiner Yuwen Pan	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/14/05 has been entered.

Response to Arguments

2. Applicant's arguments filed 8/14/05 have been fully considered but they are not persuasive. The applicant argues that Goh reference doesn't teach a "plurality of recording modes".

The examiner respectfully disagrees because Goh clearly teaches two recording modes that once the voice record key is input, the controller would determined whether entering another operation mode or displaying a recording sign "REC" (see column 2 and lines 49-60) based on whether the portable phone is active (busy). Thus, there is one "busy" recording mode and "non-busy" recording mode.

The applicant further argues that Haimi-Cohen doesn't teach the limitation of "recording a different set of data frames exchanged between the mobile set and a second device during a phone call" and construes that in Haimi-Cohen, all of the transmission and reception packet are always recorded. The examiner respectfully disagrees because Haimi-Cohen teaches a voice activity detector which outputs a skip signal to the transmission and reception decoders in response to detection of either voice in the transmission speech samples or silence in the

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reception speech samples (see abstract). Thus, not all of the transmission and reception packets are record.

Furthermore, aforementioned teaching also reads on the newly added limitation “wherein the uplink and downlink data frames are selectively recorded based on a determination of data content level of each uplink and downlink data frame”.

DETAILED ACTION

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goh (US006671353B1) in view of Haimi-Cohen (US006233320B1).

Per claims 1 and 2, Goh discloses a method in a mobile set for selecting data to be stored, comprising: displaying a plurality of recording modes (see col. 2 and lines 33-60); indicating a selection means for choosing a recording mode (see col. 2 and lines 55-60); and providing a confirmation signal after a selection means for choosing a recording mode has been selected (see col. 3 and lines 1-3).

Goh doesn't teach that each recording mode for recording a different set of data frames exchanged between the mobile set and a second device during a phone call and recording a set of data frames identified by a selected recording mode. Haimi-Cohen discloses a digital wireless

phone for playing back a conversation comprising recording mode for recording a different set of data frames exchanged between the mobile set and a second device during a phone call (see figure 5, column 7 and lines 6-16) and recording a set of data frames identified by a selected recording mode (see column 5 and lines 10-26).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Haimi-Cohen with Goh such that provides high quality record and playback capability without the need of a more powerful DSP.

Per claim 3, Goh discloses a method in a mobile set for replaying recorded conversation, comprising: displaying a line indicating a data structure of recorded conversation (see table 1); and in response to selection of the displayed line, replaying a recorded conversation (see col3. lines 50-54).

Goh doesn't teach that each recording mode for recording a different set of data frames exchanged between the mobile set and wherein the uplink and downlink data frames are selectively recorded based on a determination of data content level of each uplink and downlink data frame. Haimi-Cohen discloses a digital wireless phone for playing back a conversation comprising recording mode for recording a different set of data frames exchanged between the mobile set and a second device during a phone call (see figure 5, column 7 and lines 6-16), wherein the uplink and downlink data frames are selectively recorded based on a determination of data content level of each uplink and downlink data frame (see column 6 and line 65-column 5 and lines 26).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Haimi-Cohen with Goh such that provides high quality record and playback capability without the need of a more powerful DSP.

Per claim 4, Goh discloses a method in a mobile set, for replaying previously recorded conversations during a real time conversation, comprising: displaying a list of data structure representing recorded conversation (see table 1); and in response to selection of the displayed list, replaying at least a portion of a data structure (see col.3 and lines 55-62).

Goh doesn't teach that each recording mode for recording a different set of data frames exchanged between the mobile set and wherein the uplink and downlink data frames are selectively recorded based on a determination of data content level of each uplink and downlink data frame. Haimi-Cohen discloses a digital wireless phone for playing back a conversation comprising recording mode for recording a different set of data frames exchanged between the mobile set and a second device during a phone call (see figure 5, column 7 and lines 6-16), wherein the uplink and downlink data frames are selectively recorded based on a determination of data content level of each uplink and downlink data frame (see column 6 and line 65-column 5 and lines 26).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Haimi-Cohen with Goh such that provides high quality record and playback capability without the need of a more powerful DSP.

Per claims 5 and 6, the displaying of a list of data structures can be accessed during a real time subscriber conversation using the mobile set without interfering in the communication between the subscriber and a base station (see column 3 and lines 7-18); in response to a selection of the displayed list, a portion of a previously recorded conversation may be played back and transmitted through the uplink signal (see col.3 and lines 63 and 64).

Per claim 7, Haimi-Cohen further teaches that the set of data frames include speech data transmitted by the mobile set to the second device during the phone call (see figure 5).

Per claim 8, Haimi-Cohen further teaches that the set of data frames include speech data received by the mobile set from the second device during the phone call (see figure 5).

Per claim 9, Haimi-Cohen further teaches that the set of data frames include non-speech data (see column 9 and lines 28-37)

Per claim 10 and 11, Haimi-Cohen further teaches that the data frames include speech data (see figure 5).

Per claim 18-20, Haimi-Cohen further teaches that data content analysis includes a determination of data content level and the data content analysis includes a determination of voice activity (see column 4 and line 66-column 5 and line 25).

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goh (US006671353B1) and Haimi-Cohen (US006233320B1) as applied to claim 1 above, and further in view of Yoshida et al (US006256354B1).

Combination of Goh and Haimi-Cohen disclose an analogous art as recited in claim 1. Combination of Goh and Haimi-Cohen doesn't teaches that a first recording mode records only data transmitted by the mobile set to the second device, a second recording mode records only data received by the mobile set from the second device, and a third recording mode records both the data transmitted by the mobile set to the second device and the data received by the mobile set from the second device. Yoshida teaches that a first recording mode records only data transmitted by the mobile set to the second device, a second recording mode records only data received by the mobile set from the second device, and a third recording mode records both the data transmitted by the mobile set to the second device and the data received by the mobile set from the second device (see figure 4-8, column 3 and lines 17-38). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Yoshida with Haimi-Cohen and Goh such that the user has more options to record voice or conversation with a portable phone device.

6. Claim 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goh (US006671353B1) and Haimi-Cohen (US006233320B1) as applied to claim 1 above, and further in view of McCutcheon et al (US006161007A).

Combination of Goh and Haimi-Cohen disclose an analogous art as recited in claim 1. Combination of Goh and Haimi-Cohen doesn't teaches the non-speech data includes one of video, text graphics, and application data. McCutcheon teaches an apparatus includes the

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necessary functionality to receive, record, process, and output incoming wireless voice, text data, and multi-media messages (see abstract, column 1 and lines 45-52). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of McCutcheon with Goh and Hami-Cohen such that the user could receive and distinguish different type of data during usage of the wireless communication device.

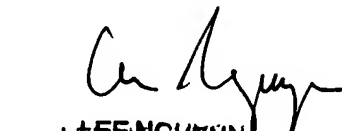
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 571-272-7855. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yuwen Pan
August 20, 2005


LEE NGUEN
PRIMARY EXAMINER